

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH PIRNIE,)	
)	
Plaintiff,)	4:05CV3266
)	
v.)	
)	
CATHER & SONS CONSTRUCTION,)	MEMORANDUM AND ORDER
INC.,)	
)	
Defendant.)	

A telephone conference with counsel was held this date concerning the matter of recusal. After I informed counsel that I would be recusing myself from this case, counsel discussed whether they preferred to keep the case in Lincoln, in which case they would have an Article III district judge preside, or, alternatively, keep their consent to jurisdiction by a magistrate judge and transfer the case to Omaha. They agree to the latter.

IT THEREFORE HEREBY IS ORDERED,

1. Magistrate Judge Piester recuses himself from further involvement in this case.

2. By agreement of the parties, the case is transferred to the Omaha docket.

3. The clerk shall randomly reassign the case to one of the Omaha magistrate judges, who will conduct the planning conference normally held by telephone with counsel after approximately 90 days, and will further schedule the case in all respects.

DATED this 13th day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge